

DEPARTMENT OF LABOUR & EMPLOYMENT,  
ADMINISTRATION OF DAMAN & DIU,  
DAMAN

No. LEO/Factories Act/ WE/2016/97

Date: 22/07/2016

**NOTIFICATION**

Whereas in the Judgment given by Hon'ble High Court of Judicature at Madras in Case No. W.P. 4604 to 4606 of 1999 and others has struck down section 66(1) (b) of the Factories Act, 1948 as unconstitutional. Based on the judgment, women can be employed in factories in the night shifts i.e. from 10.00 P.M. to 5.00 A.M. Hon'ble High Court in this Judgment has also imposed certain conditions for employing women in night shift so as to safeguard the interest of women workers. And that no appeal is pending before the Hon'ble Supreme Court or any other competent Court against this judgment.

Since the Hon'ble Madras High Court has declared Section 66(1)(b) along with its proviso as violative of Article 14,15 and 16 of the Constitution and therefore, now the said provision will not create any obstruction for the women working in the night shifts in the factories. Therefore, in view of the above decisions, the U.T. Administration of Daman & Diu, authorizes the factories of the Territory to employ women in the night shifts from 10 : 00 PM to 5:00 A.M. upon written permission and complying with the following guidelines and welfare measures for the female workers who come forward to work during night shifts:

- a) It will be the responsibility of the employer and other responsible persons to prevent any Act of probable sexual harassment and in case of such incident, they shall arrange for taking appropriate action.
- b) It shall be the duty of the employer or other responsible persons at the work places or institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.
- c) All employers or persons in charge of work place or factory should take appropriate steps to prevent sexual harassment and they should take the following steps:
  - (i) Express prohibition of sexual harassment in any form such as an unwelcome sexually determined behavior either directly or by implication or advances or contact to again contact or demand sexually favours or make sexually coloured remarks or showing pornography or any other unwelcomed physics verbal or non – verbal contact of sexual nature;

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